



Reprinted
March 1, 2005

HOUSE BILL No. 1042

DIGEST OF HB 1042 (Updated February 28, 2005 10:09 pm - DI 96)

Citations Affected: IC 7.1-3.

Synopsis: Alcoholic beverage permits. Provides that an individual may be denied an alcoholic beverage employee's permit if: (1) the individual has two convictions for operating while intoxicated that occurred within 10 years before the date of the application; or (2) the individual completed serving a sentence for a conviction of operating while intoxicated within two years before the date of the application. Provides that an individual has three convictions for operating while intoxicated, the individual may apply to the alcohol and tobacco commission and the commission has the discretion to grant or deny the application.

Effective: July 1, 2005.

Duncan

January 4, 2005, read first time and referred to Committee on Public Policy and Veterans Affairs.

February 21, 2005, reported — Do Pass.

February 28, 2005, read second time, amended, ordered engrossed.

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HB 1042—LS 6090/DI 87+



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March 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1042

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-3-18-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The commission
3 may issue an employee's permit to a person who desires to act as a
4 clerk in a package liquor store or as a bartender, waiter, waitress, or
5 manager in a retail establishment, excepting dining car and boat
6 employees.
7 (b) A permit authorized by this section is conditioned upon the
8 compliance by the holder with reasonable rules relating to the permit
9 which the commission may prescribe from time to time.
10 (c) A permit issued under this section entitles its holder to work for
11 any lawful employer. However, a person may work without an
12 employee's permit for thirty (30) days from the date shown on a receipt
13 for a cashier's check or money order payable to the commission for that
14 person's employee's permit application.
15 (d) A person who, for a package liquor store or retail establishment,
16 is:
17 (1) the sole proprietor;

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(2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;

(3) a member of a limited liability company that owns the business establishment; or

(4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) An applicant is not entitled to an employee's permit if:

(1) the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole;

(2) the applicant has:

(A) more than one (1) but less than three (3) unrelated convictions:

(i) for operating while intoxicated; and

(ii) that occurred not more than ten (10) years before the date of the applicant's application for the permit; and

(B) less than two (2) years have elapsed after the applicant completed the applicant's sentence for a conviction for operating while intoxicated, including any term of probation or parole not more than two (2) years before the date of the applicant's application for the permit. or

(3) If the applicant has at least three (3) unrelated convictions for operating while intoxicated, the applicant may apply to the commission for an employee's permit. The commission has the discretion to grant or deny the issuance of the permit.

(g) The commission shall revoke a permit issued to an employee under this section if:

(1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or

(2) the employee becomes ineligible for the issuance of an employee's permit under subsection (f).

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1042, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ALDERMAN, Chair

Committee Vote: yeas 9, nays 1.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1042 be amended to read as follows:

Page 2, line 30, delete ";" and insert ".".

Page 2, line 30, strike "or".

Page 2, line 31, beginning with "(3)", begin a new line blocked left.

Page 2, line 31, strike "(3)".

Page 2, line 31, after "(3)" insert "**If**".

Page 2, line 31, delete ":".

Page 2, line 32, delete "(A)".

Page 2, line 32, delete "; and" and insert ", **the applicant may apply to the commission for an employee's permit. The commission has the discretion to grant or deny the issuance of the permit.**".

Page 2, run in lines 31 through 32.

Page 2, delete lines 33 through 34.

(Reference is to HB 1042 as printed February 22, 2005.)

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